

MSU 4.1-690
Appl. No. 10/776,980
Amendment dated: October 31, 2007
Reply to Final Office Action mailed October 22, 2007

REMARKS

Claims 1-4 are pending. No claimed are allowed.

Claims 1-4 were rejected under 35 USC 103(a) as being unpatentable over Mann (U.S. Patent No. 6,231,866) in view of Walker et al. (U.S. Patent No. 5,525,341) and Howell et al. (U.S. Patent No. 6,720,353). Claims 1-4 have been amended to call for a dried composition comprising berry pulp which has been dried as a pre-dried berry pulp as in the Examples. The berry juice has been processed as in Figures 5 and 6 by an adsorption resin to remove acids and sugars while retaining the anthocyanins, bioflavonoids and phenolics. The anthocyanins and phenolics are then eluted with ethanol and lyophilized to a powder. This is a completely different composition than described by the references. Mann discloses no special treatment of the juices and dries the pulp with the juices. Walker et al. "lacks significant amounts of anthocyanins" (Column 2, lines 13 to 31) as a result of the process described. The composition is entirely different from that claimed by Applicant. Howell et al. relates to proanthocyanidin compounds which are substantially free of anthocyanins and flavonoids (Column 3, lines 19 to 31). This reference also deals with very

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different compositions than in Applicant's claims. The compounds are not even glycosidated as are the claimed anthocyanins. Thus, the combination of references could not possibly produce the claimed invention. Reconsideration is requested.

None of the references recognized the need to produce the dried anthocyanins, bioflavonoids and phenolics as a lyophilized powder separately from the dried pulp. The acids cause the product to be sour.

It is now believed that Claims 1-4 are in condition for allowance. Notice of Allowance is requested.

Respectfully,



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